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LAWS OF
HIS MAJESTY KAMEHAMEHA IV,
KING OF THE HAWAIIAN ISLANDS

1856

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HIS MAJESTY KAMEHAMEHA IV,

KING OF THE HAWAIIAN ISLANDS,

PASSED BY THE

NOBLES AND REPRESENTATIVES,

AT THEIR SESSION,

1856.

HONOLULU:

PRINTED BY ORDER OF THE GOVERNMENT.

1856.

SESSION LAWS, 1856.

AN ACT.

PERMITTING THE MANUFACTURE OF WINE.

WHEREAS, It is believed that the manufacture of wine would add much to the wealth of the Kingdom and tend to diminish the use of deleterious drinks:

Therefore, BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. The Minister of the Interior is hereby authorized to grant Licenses for the manufacture of Wine, provided the applicant for such license shall first file with said Minister a Bond in the following form, with one good and sufficient surety:

Know all men by these presents, that we — — —, principal, and — — —, surety, residing at — — —, in the Island of — — —, Hawaiian Islands, are held and firmly bound unto — — —, Minister of the Interior, and to his successors in office, in the penal sum of five hundred dollars, to be levied of our respective joint and several property, in case the condition herein set forth shall be violated. For the faithful payment of which we hereby pledge ourselves, our heirs, executors, administrators and assigns.

Signed with our hands and sealed with our seals, this — — day of — — —, A. D. 18—.

The condition of this obligation is, that whereas the said — — —, principal, has this day obtained a license to manufacture wine out of grapes of Hawaiian growth, for the term of ten years from this date; now if he shall not, at any time during the continuance of said license, sell or furnish any such wine to any native of this Kingdom;

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if he shall not manufacture wine out of grapes grown in any foreign country; if he shall not manufacture any brandy, rum, or other spirituous liquors; if he shall, on or before the last day in December in each year, furnish the Minister of the Interior with a correct statement, in writing, of the quantity of wine manufactured by him during the past year, and of the quantity sold, and still on hand, then this obligation to be void; otherwise, upon proof being made to the satisfaction of any Police or District Justice, of the violation of any or all of the above conditions, then the penalty mentioned in the above bond shall be forfeited for the benefit of the Royal Exchequer.

L. S.

— —, Principal,

L. S.

— —, Surety.

SECTION 2. Before granting such license the Minister of the Interior shall demand and receive at the hands of the applicant, for the benefit of the Royal Exchequer, the sum of *Fifty Dollars*, besides the customary charges for blanks and stamps.

SECTION 3. Whoever shall manufacture wine for sale without first obtaining a license as prescribed in this Act, shall, on conviction thereof before any Police or District Justice, be liable to the fines and penalties prescribed in the 2nd Section of the 42nd Chapter of the Penal Code.

SECTION 4. This Act shall take effect from and after the day of its passage.

Approved by his Majesty the King, this 13th day of December, 1855.

KAMEHAMEHA.

KAAHUMANU.

AN ACT
RELATING TO SUITS IN EQUITY.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That so much of Section tenth of Article third, Chapter fourth, of the "Act to organize the Judiciary Department," as requires a complainant in proceedings before the Chancellor, to append to his petition a list of witnesses, be and the same is hereby repealed.

SECTION 2. This Act shall take effect from and after the date of its passage.

Approved this 17th day of April, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

RELATING TO THE CIRCUIT COURT FOR THE FOURTH JUDICIAL DISTRICT.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That hereafter the Annual Term of the Circuit Court for the Fourth Judicial District shall commence on the first Monday in the month of June, instead of the first Monday in February, as heretofore.

SECTION 2. The first Term of said Court, to be held under the provisions of this Act, shall commence on the first Monday of June, A. D. 1857.

Approved this 17th day of April, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND THE LAW RELATING TO APPEALS FROM THE INFERIOR COURTS TO THE CIRCUIT AND SUPREME COURTS.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That Section second, Chapter fifty-third, of the Penal Code, be and the same is hereby amended to read as follows, viz.:

In all the preceding cases, and in all other cases tried before a Police or District Justice, the Defendant, by giving notice of appeal within five days after trial, and within ten days after such trial paying the costs accrued and depositing a good and sufficient bond in the penal sum of one hundred dollars, conditioned for the payment of the costs further to accrue in case he is found guilty or defeated in the Court above, may take an appeal to the Supreme or Circuit Court and have a trial by jury.

SECTION 2. Every such defendant so appealing from the decision of any Police or District Justice, in any criminal or penal prosecution, shall remain in the custody of the Marshal or Sheriff until the Term of the Supreme or Circuit Court to which said defendant has appealed, unless he deposit with the Marshal or Sheriff a good and sufficient bond in a penal sum equal to the fine or penalty imposed upon such defendant in the Court below, conditioned for his appearance for trial at the Supreme or Circuit Court as aforesaid. And in all cases where the punishment adjudged by the Police or District Justice is both fine and imprisonment, or imprisonment only, the Marshal or Sheriff shall exact from the defendant a bond, conditioned as aforesaid, in the penal sum of not less than one hundred, nor more than two hundred, dollars.

SECTION 3. This Act shall take effect from and after the day of its passage.

Approved this 2nd day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT
TO PROVIDE FOR THE SUPPORT OF PERSONS ARRESTED ON
CIVIL PROCESS.

BE IT ENACTED by the *King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled*:

SECTION 1. That whenever any Defendant, in one or more civil actions, is arrested and imprisoned as a fraudulent debtor, the expense of supporting such defendant during his imprisonment, shall be borne by the party or parties at whose suit he has been arrested.

SECTION 2. For this purpose, the party or parties at whose suit the defendant has been arrested, shall pay to the officer having him in custody the sum of fifty cents per diem; and in case the allowance for the defendant's support is unpaid at any time for more than ten days, the officer having the defendant in custody shall release him from imprisonment.

SECTION 3. This Act shall take effect from and after the date of its publication in the *Polynesian* newspaper.

Approved this 2nd day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT
TO FACILITATE THE COLLECTION OF DEBTS.

WHEREAS, Many complaints have arisen that creditors are defrauded of just debts by the assignment of their property to third persons by debtors, to remove the same from liability to attachment and execution; and whereas no remedy exists, save by long and expensive and imperfect process in chancery, whereby the ends of justice are defeated:

Now therefore, BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:

SECTION 1. Whenever the goods or effects of a debtor are concealed in the hands of his attorney, agent, factor or trustee, so that they cannot be found to be attached or levied upon, or where debts are due from any person to a debtor, any creditor may bring his action against such debtor, and upon giving bond in a sum to be approved by the Court, conditioned to answer all costs and damages sustained by such attorney, agent, trustee or factor, in case the Plaintiff shall fail to sustain his suit and to recover therein, in his petition for process may request the Court to insert therein a direction to the officer serving the same, to leave a true and attested copy thereof with such attorney, agent, factor or trustee, or at the place of his or their usual place of abode, and to summon such attorney, agent, factor or trustee, to appear upon the day or term mentioned and appointed in said process for hearing the said cause, and then and there on oath to disclose whether he has or, at the time said copy was served, had any of the goods or effects of the Defendant in his hands, and if so, the nature, amount and value of the same, or is indebted to him, and the nature and amount of such debt; which summons and direction shall be signed by the presiding Judge and issued in the manner now practised in the Courts of this Kingdom, and shall be served by the officer according to such direction; and from the time of leaving such copy, all the goods and effects in the

hands of such attorney, agent, factor or trustee, and every debt due from such debtor to the Defendant, shall be secured in his hands to pay such judgment as the Plaintiff shall recover, and may not be otherwise disposed of by such attorney, agent, factor or trustee, and such notice shall be sufficient notice to the Defendant to enable the Plaintiff to bring his action to trial, unless the Defendant be an inhabitant of these Islands, or has some time resided thereon, and then a like copy shall be served personally upon him or left at his last and usual place of abode.

SECTION 2. Such attorney, agent, factor or trustee, upon his desire, shall be admitted to defend his principal in such suit, and if judgment be rendered in favor of the Plaintiff, all the goods and effects in the hands of such attorney, agent, factor or trustee, and the debt due from such debtor, or such part thereof as may be sufficient for that purpose, shall be liable to pay the same, and the Plaintiff, on praying out Execution, may direct the officer serving the same to make demand of such attorney, agent, factor or trustee, of the goods and effects of the Defendant in his hands, whose duty it will be to expose the same to be taken on the execution, and also to make demand of such debtor for any debt, or such part thereof as may satisfy said judgment as may be due to the Defendant, and it shall be the duty of the said debtor to pay the same; and if such attorney, agent, factor or trustee, shall have in any manner disposed of the goods and effects of his principal which were in his hands when the copy of the writ was left with him, and shall not expose and subject them to be taken on execution, or if such debtor shall not pay to the officer, when demanded, the debt due to the Defendant at the time the copy of the writ was left with him, such attorney, agent, factor, trustee or debtor, shall be liable to satisfy such judgment out of his own estate, as his proper debt, if the goods, or effects, or debt, be of sufficient value or amount; if not, then to the value of such goods or effects, or to the amount of such debt.

SECTION 3. If the said attorney, agent, factor, trustee or debtor, fail to appear upon the day and hour of hearing named in the summons or writ above mentioned, or, if having appeared, he refuse to

disclose upon oath whether he has goods or effects of the Defendant in his hands, and their nature and value, or whether a debt is due from him to the Debtor, and its amount, the case shall proceed to trial; and if the Plaintiff recover a judgment, execution shall issue, at his request, against the estate of such contumacious attorney, agent, factor, trustee or debtor, for the amount of such judgment as his own proper debt, and the lawful costs, provided that if it appear on the trial that the goods and effects are of less value and the debt of less amount than the judgment recovered against the Debtor, judgment shall be rendered against the Garnishees to the value of the goods or the amount of the debt. And if it appears that the Garnishee has no goods or effects of such debtor in his hands, or is not indebted to him, then he shall recover his lawful costs. But if he appear, and on oath disclose fully whether he has in his hands the goods or effects of, or is indebted to, the Defendant, and it appears to the Court that he has no such goods or effects, or is not so indebted, then judgment shall be given for him, and he shall recover his lawful costs.

SECTION 4. If upon disclosure made on oath by such Debtor, it appear that such Garnishee is indebted to the Defendant, but that such debt is not payable, and become due until some future time, then such judgment as the Plaintiff may recover shall constitute a lien upon such debt, until and at the time it shall fall due and payable.

SECTION 5. The taking of any goods or effects of any debtor, or of any debt due him as aforesaid by process and judgment of law, out of the hands of his attorney, agent, factor, trustee or debtor, by any of his creditors, shall forever discharge him or them from any suit or demand for the same.

SECTION 6. The provisions of this Act, and the powers conferred therein, shall extend to all the Common Law Courts of this Kingdom, according to their jurisdiction as at present or in future organized.

SECTION 7. This Act shall take effect from and after the date of its approval by the King.

Approved this 30th day of June, A. D. 1856.

KAAHUMANU.

KAMEHAMEHA.

AN ACT

TO AMEND THE LAW RELATING TO BANKRUPTCY.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That Section fourth of "An Act relating to Bankruptcy," passed in the year 1848, be and the same is hereby amended, by striking out the words "merchants if possible."

SECTION 2. That Section fifth of said Act be and the same is hereby amended, by striking out the word "ten," and inserting in lieu thereof the word "five."

SECTION 3. That Section eighth of said Act be and the same is hereby amended, to read as follows, viz.: "Whenever any person shall declare himself a bankrupt, as prescribed in the first Section of this Act, or shall be adjudged a bankrupt by the Commissioners, notice of such bankruptcy shall be given in the *Polynesian* newspaper, and notice shall also be given by the Commissioners for three consecutive weeks, in the same newspaper, calling upon all creditors of the debtor to appear before the Commissioners, at such time or times as they may appoint, to prove their debts."

SECTION 4. That Section twelfth of the said Act be and the same is hereby amended, by striking out the word "thirty" and inserting in lieu thereof the word "twenty."

SECTION 5. That section thirteenth of said Act be and the same is hereby amended, by striking out the words "thirty days" and inserting in lieu thereof the words "two consecutive weeks."

SECTION 6. That the following proviso be and the same is hereby added to the twenty-first Section of said Act, viz.: "Provided nevertheless, that such bankrupt may be arrested and imprisoned as a ~~credulous~~ debtor, by order of the Chief Justice of the Supreme

Court, upon the sworn petition of any of his creditors setting forth sufficient cause for such arrest and imprisonment."

SECTION 7. That Section twenty-fourth of said Act be and the same is hereby amended, by striking out the words "two thirds" and inserting in lieu thereof the words "a majority."

SECTION 8. The Commissioners shall, in each case, keep a record of all their proceedings, which record, or a duly certified transcript of any part thereof, may be received as evidence in any Court of this Kingdom in all matters relating to that particular case.

SECTION 9. Any bankrupt who shall have been imprisoned as a fraudulent debtor, may be discharged from such imprisonment by order of the Chief Justice of the Supreme Court, either at or before the final settlement of the estate, if it shall appear to the satisfaction of the Chief Justice that the bankrupt has surrendered, discovered, and delivered over to the assignees chosen by his creditor, all his property, personal and real, and in other respects conformed to the main provisions of the law relating to Bankruptcy.

SECTION 10. This Act shall take effect from and after the date of its publication in the *Polynesian* newspaper, but shall not affect any proceeding begun or pending at or before that date.

Approved this 30th day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT
RELATING TO PRISONERS AND PRISONS.

WHEREAS, many of the provisions of the Act relating to Prisons, approved by the King August 4th, 1851, are at present impracticable; and whereas said law has not been for that reason carried into effect:

Therefore, BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That the Minister of the Interior shall have power to make such rules for the management of prisons, the preservation of prison discipline, and the promotion of industry, good morals and education among prisoners, as may be approved by His Majesty and Privy Council.

SECTION 2. This Act shall go into effect from and after the date of its passage; and all laws and parts of laws in conflict with this, shall be and the same are hereby repealed.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO ALLOW CERTAIN DIVORCED PERSONS TO MARRY AGAIN.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. Power and authority is hereby vested in the several Justices of the Supreme Court, to grant permission to persons who have been, or may hereafter be divorced, to marry again.

SECTION 2. Said Justices shall in no case grant such permission to marry again, unless it shall appear to their satisfaction that five years or more have elapsed since the date at which the applicant for such permission was divorced, and the party has not during that period been guilty of the offences for which a divorce may be decreed.

SECTION 3. This Act shall take effect, from and after the date of its approval by the King.

Approved this 22d day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS OF PRIVATE WAYS.

BE IT ENACTED by the *King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:*

SECTION 1. There shall be appointed, by the Minister of the Interior, in each Election District throughout the Kingdom, three suitable persons to act as Commissioners of Private Ways.

SECTION 2. It shall be the duty of such Commissioners, within their respective Districts, to hear and determine all controversies respecting rights of way, between private individuals, or between private individuals and the Government.

SECTION 3. In settling such controversies, the Commissioners shall give such decision as may in each particular case appear to them to be just and equitable between the parties interested.

SECTION 4. Any party deeming himself aggrieved by the decision of the Commissioners, may appeal therefrom to the Circuit Court of the Island, or if the controversy is on the island of Oahu, to the Supreme Court, which Circuit or Supreme Court shall hear and determine the case *in banc*; provided, however, that any party desirous of so appealing shall give notice of the same to the Commissioners within five days after the rendition of their decision.

SECTION 5. Whenever any party shall appeal from the decision of the Commissioners, as provided in the last preceding Section, it shall be the duty of the Commissioners to send up a statement of the case, together with a copy of their decision, to the Court to which the appeal has been taken.

SECTION 6. The Commissioners shall receive the sum of five dollars each, as a compensation for their services in settling any such controversy; which compensation shall be paid by either of the par-

ties alone, or by all the parties interested, in such proportions as the Commissioners may adjudge. In case of appeal the compensation of the Commissioners, as well as the additional costs, shall abide the judgment of the appellate court.

SECTION 7. The Commissioners provided for by this Act shall be removable from office, at the pleasure of the Minister of the Interior, who shall also have power to fill all vacancies which may occur in their number.

SECTION 8. This Act shall take effect from and after the date of its passage.

Approved this 2d day of May, A. D. 1858.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO REGULATE THE PREPARATION OF A LIST OF JURORS.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That from and after the date of the passage of this Act it shall not be necessary for any of the Representatives of the People to assist in preparing, or to sign the lists of persons competent to serve as jurors, but such lists shall be prepared by the respective Governors and some judge of a Court of Record, at the time and manner prescribed by law.

SECTION 2. That so much of Sections First and Third of Article Fourth, Chapter Fourth, of the "Act to organize the Judiciary Department," as is in conflict with the provisions of this Act be, and the same is hereby repealed.

Approved this 15th day of September, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT
TO AMEND AN ACT TO REGULATE THE ELECTION OF REPRESENTATIVES OF THE PEOPLE PASSED IN 1850.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That Section First of the Act to regulate the election of Representatives of the people, be and is hereby amended by striking out the words "every year" and by substituting therefor the words "every second year."

The first Section shall read as follows :

The elections for Representatives of the people to sit in the Legislative council, shall be held in all the Districts throughout the Kingdom, on the first Monday of the month of January, every second year, at such places as shall be designated by the sheriffs of the respective Islands.

SECTION 2. The first election under this Act shall take place on the first Monday in January, 1858; Provided however, that, if His Majesty the King shall deem it necessary to convene the Legislature during the year 1857, he shall order a special election of Representatives of the people to serve for that year.

Approved this 30th day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT
FOR THE IMPROVEMENT OF HONOLULU HARBOR.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. The Minister of Finance shall be, and is hereby authorised to pay, out of money in the Treasury, until the passage of the general Appropriation Bill, a sum not exceeding six thousand dollars, for expenses for the improvement of Honolulu harbor.

SECTION 2. This Act shall take effect from the day of its passage.

Approved this 6th day of May, A. D. 1856.

KAMEHAMEHA.

KAAMUMANU.

AN ACT

TO EXTINGUISH PRIVATE TITLES IN PORTIONS OF THE HARBOR,
AND IN THE REEFS AND LANDS BOUNDING THE HARBOR OF
HONOLULU.

WHEREAS, the existence of private rights in the harbor of Honolulu, and in the reefs and lands forming the boundaries thereof is incompatible with the exercise of the King's power and authority on and over the same, and with the improvement and fortification of the same as may hereafter be found necessary : Therefore,

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. The Minister of the Interior, acting with the advice and consent of the King and his Cabinet, is hereby authorized to buy back all portions of the harbor of Honolulu and the reefs and lands forming the boundaries thereof, available for the construction of wharves, storehouses, forts or lighthouses, so as to extinguish forever the now existing right and title of all private persons therein, for such price and consideration as may be agreed upon between said Minister and such private parties, or as may be determined by appraisers mutually chosen.

SECTION 2. The Minister of Finance is hereby authorized to pay, with the advice and consent of the King and his Cabinet, to the order of the Minister of the Interior, in cash, exchequer bills, or treasury bonds, bearing not more than twelve per cent. interest per annum, such sums as may be necessary to complete the purchases provided for in Section First.

SECTION 3. The power given by this Act is to be understood in a permissive sense only, and shall be exercised only in such circumstances as may, in the opinion of the King and his Cabinet, render such exercise clearly for the public good.

SECTION 4. This Act shall take effect from and after the date of its approval by the King.

Approved this 15th day of September, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND AN ACT ENTITLED AN ACT TO REGULATE THE SHIPPING OF FOREIGN SEAMEN, IN THE PORTS OF HONOLULU AND LAHAINA.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION I. That Section Second of an Act entitled "An Act to regulate the shipping of Foreign Seamen in the ports of Honolulu and Lahaina," passed the 23d day of July, 1855, be, and the same is hereby amended by striking out the word "and" in the English version and substituting therefor the word "or," and striking out also the words "has failed to sail on board their vessel," and substituting therefor the words "whom he may have failed to deliver on board their vessel at the time required by said Captain or Agent." So that the Section as amended will read as follows :

Before granting a license to keep a Shipping Office the said Governors shall receive at the hands of the applicant the sum of forty dollars for the use of the Royal Exchequer, as license money, and they shall receive at the hands of the applicant a Bond with at least two good and sufficient sureties, to be approved by the said Governors in the penal sum of two thousand dollars, which bond shall be in the following form, and upon the following conditions :

Know all men by these presents, that we ——, principal, and ——, sureties, residing at ——, in the Island of ——, Hawaiian Islands, are held and firmly bound unto His Excellency, ——, Governor of —— for the use of the Hawaiian Government in the penal sum of two thousand dollars lawful money, to be levied of our respective joint and several property in case the condition herein set forth shall be violated, for the just and full payment of which, we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this ——, day of ——, 18—.

The condition of the above obligation is, that whereas the above bounden principal, has this day obtained a license to keep a Shipping Office for Foreign Seamen for the term of one year from the date hereof ; now if he shall not during the continuance of his said license demand or receive more than three dollars as a shipping fee nor more than ten per cent. of the amount advanced as a surety fee from any sailor shipped at his office; and if he shall at no time make default in repaying to any and every Captain or Agent the amount advanced by them on account of any sailor he may have failed to deliver on board their vessel at the time required by said Captain or Agent and for whom he may have become surety; and if he shall in no instance ship a sailor who has not a permit from the Harbor Master, then this obligation to be void, otherwise, upon proof being made to a Police Justice, without the intervention of a jury, as prescribed in the "Act to organize the Judiciary Department," the penalty mentioned in the above bond shall be forfeited and the license upon which it is predicated revoked.

SECTION 2. This Act shall take effect from and after the date of its passage.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO REGULATE THE SLAUGHTER AND SALE OF BEEF IN THE TOWNS OF HOÑOLULU AND LAHAINA.

Be it Enacted by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. The Minister of the Interior may at any time license for the term of one year any applicant to open a slaughter house and keep a butcher shop within the respective towns for which they receive their licenses.

SECTION 2. Before granting any license to open a butcher shop and slaughter house, the Minister of the Interior shall receive at the hands of the applicant the sum of two dollars, and he shall in all cases exact at the hand of the applicant a bond in the penalty of two hundred dollars, with two good and sufficient sureties, to be approved by the said Minister, in the following form and upon the following conditions :

B O N D .

Know all men by these presents that we ——, principal, and ——, sureties, residing at ——, in the Island of ——, Hawaiian Islands, are held and firmly bound unto His Excellency ——, Minister of the Interior, for the use of the Hawaiian Government, in the penal sum of two hundred dollars, lawful money, to be levied of our respective joint and several property in case the condition herein set forth shall be violated. For the just and full payment of which we hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated this — day of ——, 18 —.

The condition of the above obligation is, that whereas, the above bounden principal has this day made application for a license to keep a butcher shop and to open a slaughter house in ——, Island of ——:

Now if he shall not fail in any instance to make a full and accu-

rate register of the brands of every animal which he shall kill in his slaughter house, or sell in his butcher shop, together with the name of the owner, and the name of the person or persons who delivers the animal at the slaughter house, with the day of the month and the year, when delivered and when killed, together with any remarks which the circumstances of the case may suggest, according to the form of the following schedule :

Date when received.	Owner.	Delivered by.	Brand.	Date when killed.	Remarks.

And if he shall at all times keep open this register for the information and inspection of the proper authorities and of all who may desire to search therein, then this obligation to be void: Otherwise upon proof being made to the satisfaction of a police justice, without the intervention of a jury, the penalty mentioned in the above bond shall be forfeited and the license on which it is predicated revoked.

SECTION 3. Any person slaughtering and selling beef either in a shop or through the streets of the towns of Honolulu and Lahaina, other than as in this act provided, shall on conviction before a police magistrate forfeit and pay to the government for each offense a sum not less than five dollars nor more than twenty-five, in the discretion of the court.

SECTION 4. This Act shall take effect at the expiration of thirty days after its passage.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT TO INCREASE THE IMPORT DUTIES ON CERTAIN KINDS OF MERCHANDISE," PASSED IN 1853.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That the Act entitled "An Act to increase the import duties of certain kinds of merchandise," passed by the Legislature in 1853, shall be and the same is hereby repealed.

SECTION 2. This Act shall take effect and become a law from and after the date of its passage.

Approved this 6th day of August, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AUTHORIZE THE PURCHASE OR CONSTRUCTION OF AN INTER-ISLAND STEAMER.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands in Legislative Council assembled:

SECTION 1. The Minister of the Interior is hereby authorized by and with the advice and consent of the King and Cabinet, to purchase, or contract for the construction of a steam-boat for inter-island trade, with all necessary furniture and equipment, and deliver the same at the port of Honolulu, at a cost not exceeding the sum of sixty thousand dollars.

SECTION 2. The Minister of Finance is hereby authorized on the order of the Minister of the Interior, for the purpose aforesaid, to issue exchequer bills, payable to said Minister or his order, for a sum not exceeding sixty thousand dollars, payable at such time and rate of interest as His Majesty and Cabinet may determine; provided, however, should it be found necessary to pay cash in part in lieu of exchequer bills for the same amount, the Minister of the Interior is hereby authorized to draw on the Treasury for a sum not exceeding twenty thousand dollars to be paid out of any monies not otherwise appropriated; and provided further that said Minister of the Interior may at his discretion permit private parties to take a proportionate interest in said steamer.

SECTION 3. No charges of harbor dues of any kind or for customs on any article imported for the use of said steamer shall be made.

SECTION 4. This Act shall take effect from and after the date of its passage.

Approved this 2d day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO AMEND THE JOINT RESOLUTION RELATING TO AWA, PASSED AUGUST 6TH, 1846.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. That after the passage of this Act it shall be lawful for any person to cultivate awa within this kingdom.

SECTION 2. The governors are hereby authorized, with the approval of the Minister of the Interior, to appoint agents for the purchase and sale of awa to persons allowed by this Act.

SECTION 3. All persons excepting those who have received certificates from duly authorized physicians, specifying the kind of disease and the quantity of awa necessary to cure it, are hereby prohibited from drinking awa under a penalty of five dollars.

SECTION 4. It shall be lawful for the agents for the sale of awa to sell it as an article of trade, or otherwise, to all persons intending to send it abroad, and to all licensed physicians and surgeons. The proceeds of the awa sold shall be shared thus: two-thirds to the owner of the awa, and one-third to the government.

SECTION 5. The agents for the sale of awa shall be paid twenty-five cents in each dollar of the government third, and the balance shall be handed over to the governors and by them forwarded to the Minister of the Interior, and deposited with the Minister of Finance for the benefit of the King's Treasury.

SECTION 6. Any person selling awa in contravention of this Act shall be liable to a penalty of ten dollars for each offense.

SECTION 7. This Act shall take effect from and after the date of its passage, and all laws in conflict with this shall be and are hereby repealed.

Approved this 15th day of September, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

TO REGULATE THE IMPORTATION AND SALE OF OPIUM AND OTHER POISONOUS DRUGS.

WHEREAS, suicides and serious riots are of frequent occurrence from the use and abuse of opium and other poisonous drugs; and whereas, there is danger of the pernicious habit of using opium being acquired by his Majesty's native born subjects from the example of the Chinese, Therefore,

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. Any person who shall be convicted before any magistrate of importing, selling, vending or furnishing opium or any preparation thereof, shall be fined a sum not less than fifty dollars nor more than five hundred dollars, in the discretion of the court; provided always, that nothing in this Section shall prevent the importation and sale of opium as medicine by duly qualified physicians and surgeons, licensed as such by the Minister of the Interior.

SECTION 2. It is herein further provided that it shall not be lawful for the parties licensed by the Minister of the Interior according to the provisions of this Act to sell, vend or furnish opium to any person excepting for the purpose herein prescribed, and in the exercise of their functions as medical men.

All physicians and surgeons acting in contravention of this shall be liable to the fine provided for in the first section of this Act.

SECTION 3. The Minister of the Interior is hereby authorized to grant a license to any physician or surgeon who shall prove satisfactorily that he is duly qualified and shall pay into the Interior department the sum of forty dollars.

SECTION 4. If any person, not licensed as provided in Section third shall sell, vend or furnish any poisonous drugs, he shall on conviction be liable to a penalty of not less than twenty-five nor more than two hundred dollars.

SECTION 5. This Act shall take effect at the expiration of three months from the date of its passage.

Approved this 30th day of May, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT

RELATING TO THE FIRE DEPARTMENT OF HONOLULU.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council Assembled:

SECTION 1. That the Act entitled "An Act to amend an Act to organize a Fire Department in the city of Honolulu," passed on the 24th day of June, 1852, be, and the same is hereby repealed.

SECTION 2. That Section first of Article first of the Act to organize a Fire Department for the city of Honolulu, passed May 8th, 1851, be, and the same is hereby amended to read as follows, viz :

The Fire Department of the city of Honolulu shall consist of a Chief Engineer, two Assistant Engineers, four Fire Wardens and as many Firemen as may be approved of by the Representatives of the Department. All said officers and firemen shall, during their term of service as such, be exempt from all personal taxes except the school tax.

SECTION 3. That Section second of the same Article be, and the same is hereby amended to read as follows:

The Chief Engineer and two Assistant Engineers, shall be elected annually, on the first Monday of June, by the certificate members of the department.

SECTION 4. That Section third of the same article be, and the same is hereby amended to read as follows :

The four Fire Wardens shall be elected annually by the Representatives of the department.

SECTION 5. That Section first of Article second of said Act, be, and the same is hereby amended by striking out the words "Fire Warden," and inserting in lieu thereof the words "Assistant Engineers," and by striking out all after the word "repaired."

SECTION 6. That Section second of said Article be, and the same is hereby amended to read as follows, viz :

In case the Chief Engineer shall be absent from a fire, the first

Assistant shall assume his duties, and in case the Chief Engineer and first Assistant shall both be absent, then their duties shall devolve upon the second Assistant Engineer.

SECTION 7. That Sections first and fourth of Article third of said Act be, and the same are hereby repealed.

SECTION 8. It shall be the duty of the fire Wardens to prosecute all persons guilty of any violation of the laws relating to the Fire Department before the Police Court of Honolulu, for which they shall be entitled to retain twenty per cent. of all fines collected, paying over the residue to the Treasurer of the Fire Department.

SECTION 9. That Section first of Article fourth of the said Act be, and the same is hereby amended by striking out the words, "well washed and cleaned."

SECTION 10. That Section second of the same Article be, and the same is hereby amended to read as follows, viz :

The representatives of the Department shall have authority, whenever a Company has for six months so few members as to render it inefficient, to disband the same, and assign the members thereof, with their assent, to any other Company, provided it is done with the legal assent of the Company to which they are assigned.

SECTION 11. That Article fifth of the said Act be, and the same is hereby repealed.

SECTION 12. That Section first of Article sixth of the said Act be, and the same is hereby amended by striking out the words "Fire Wardens," wherever they occur in said Section, and inserting in lieu thereof the words "Assistant Engineers."

SECTION 13. That Section sixth of Article seventh of the said Act be, and the same is hereby amended to read as follows, viz:

All male residents of Honolulu going to a fire, are required to obey the orders of the Chief Engineer and Assistant Engineers, under a penalty of five dollars.

SECTION 14. That Section eight of the same Article be, and the

same is hereby amended by striking out the words "Fire Wardens," and inserting in lieu thereof the words "Assistant Engineers."

SECTION 15. That Article eight of the said Act be, and the **same** is hereby repealed.

SECTION 16. This Act shall take effect from and after the date **of** its passage.

Approved this 30th day of June, A. D. 1856.

KAMEHAMEHA.

KAAHUMANU.

AN ACT
RELATING TO CORPORATIONS.

BE IT ENACTED by the King, the Nobles and Representatives of the Hawaiian Islands, in Legislative Council assembled:

SECTION 1. Every Corporation created or to be created in this kingdom shall have power; 1st, To have succession by its corporate name for the period limited in its charter, and when no period is limited, perpetually; 2d, To sue and be sued in any court; 3d, To make and use a common seal, and alter the same at its pleasure; 4th, To hold, purchase and convey such real and personal estate, and no other, not exceeding the amount limited by its charter, as the purposes of the corporation shall require; 5th, To appoint such subordinate officers and agents as the business of the corporation shall require; 6th, To make by-laws not inconsistent with any existing law, for the management of its property, the election and removal of its officers, the regulation of its affairs, and the transfer of its stock.

SECTION 2. In addition to the powers ennumerated in the preceding Section, no corporation created under the provisions of this Act, shall possess or exercise any corporate powers, except such as shall be necessary to the exercise of the powers so enumerated and of such subordinate powers as shall be expressly given in the charter granted as herein after provided.

SECTION 3. No corporation shall be deemed to possess the power of discounting bills, notes or other evidences of debt, or receiving deposits, of buying gold, silver, bullion or foreign coin, buying and selling exchange or issuing notes or other evidences of debt, except so far as the exigencies of the particular business for which it was incorporated shall require. Nor shall any corporation unless authorized by express enactments of the Legislature issue bills or other evidences of debt for circulation as money.

SECTION 4. At any meeting of any corporation it shall be lawful

for the members in the transaction of business to vote either in person or by proxy; provided, that nothing in this Section shall be construed to restrain the power of every corporation to prescribe by its by-laws the mode of voting at meetings of its trustees, directors or board of managers.

SECTION 5. When all the members of any corporation shall be present, either in person or by proxy, at any meeting however called or notified, and shall sign a written consent thereto on the record of such meeting, the doings of such meeting shall be valid.

SECTION 6. The members of such corporation so assembled, may elect officers to fill all vacancies then existing, and may act upon such other business as might lawfully be transacted at regular meetings of the corporation.

SECTION 7. Whenever by reason of the death, absence or other legal impediment of the officers of any corporation, there shall be no person duly authorized to call or preside at a legal meeting thereof, any circuit judge of the island where such corporation is established may, on written application of four or more of the members thereof, issue an order to either of the said members, directing him to call a meeting of the corporation by giving such notice as shall be required by the by-laws of the corporation, and the said judge may in the same order direct one of the said members to preside at the meeting, and the proceedings of such meeting shall be valid.

SECTION 8. Whenever the capital stock of any corporation is divided into shares, and the certificates thereof are issued, transfer of the shares may be made by endorsement and delivery of the certificate. The endorsee shall be entitled to a new certificate upon surrendering the old one. And no such transfer shall be valid except between the parties thereto, until such new certificate shall have been obtained, or the transfer shall have been made on the books of the corporation so as to show the date of the transfer, the parties thereto, their places of abode and the number and description of the shares transferred.

SECTION 9. The directors or managers of any incorporated com-

pany shall not make dividends, except from the profits arising from the business of the corporation, nor may they divide, withdraw, or in any way pay away, to the stockholders or to any of them, any part of the capital stock of the company, or reduce the said capital stock without the consent either of the power granting the charter, or of the legislature. In case of any violation of the provisions of this Section, the trustees, managers or directors under whose administration the same may have taken place, shall in their individual and private capacities, be jointly and severally liable to the corporation and creditors thereof, in the event of its dissolution, to the full amount so divided, withdrawn, paid out or reduced; provided, that nothing in this Section contained shall prevent a distribution and division of the balance of the capital stock remaining after payment of all its debts on dissolution of the company or expiration of its charter.

SECTION 10. Where the whole capital of a corporation shall not have been paid in, and the capital paid shall be insufficient to satisfy the claims of its creditors, each stockholder shall be bound to pay on each share held by him, the sum necessary to complete the amount of such share as fixed by the charter of the company, or such proportion of that sum as shall be required to satisfy the debts of the company.

SECTION 11. The members of every corporation created under the provisions of this Act, shall be liable for the debts of the corporation in proportion to the amount of stock held by each; and the liability of each shall be limited to the amount of stock held by each, or extend beyond that amount, as the power granting the charter shall in each charter provide.

SECTION 12. The amount of debts which any corporation shall owe, shall at no time exceed the amount of its capital stock.

SECTION 13. In every joint stock company incorporated under the provisions of this Act, it shall be the duty of the trustees, managers or directors of such company to cause a book to be kept for registering the names of all persons who are, or shall become stockholders of the corporation, and showing the number of shares of stock held

by them respectively, and the time when they respectively became the owners of such shares; which book during the usual business hours of the day, on every day, except Sundays and national holidays, shall be open for the inspection of the stockholders and creditors; and it shall be the duty of the clerk or other person having the charge thereof, to give a certified transcript of anything therein contained to any stockholder or creditor of the corporation applying therefor; such transcript shall be legal evidence of the facts therein set forth, in any suit by or against the corporation.

SECTION 14. Any corporation wishing to dissolve and disincorporate itself before the expiration of its charter, may present a petition to the Minister of the Interior, together with a certificate setting forth that at a meeting of the stockholders, or members called for that purpose, it was decided by a vote of three-fourths of the members or stockholders to dissolve and disincorporate the corporation, which certificate shall be signed by the presiding officer and secretary of such meeting. The Minister shall enter such petition and certificate of record in his office, and after sixty days notice by publication in Hawaiian and English, in such manner as he shall deem most effectual, shall proceed to consider the same, and when satisfied that the vote certified to has been truly taken, and that all claims against the corporation are discharged, shall declare such corporation dissolved.

SECTION 15. Upon the annulment of the charter of any corporation, or upon its dissolution by expiration of its charter, or otherwise, unless other persons shall be appointed by the legislature, the Minister of the Interior, or by some court of competent authority, the directors or managers of the corporation, by whatever name known in law, shall be trustees for the creditors and stockholders, with full powers to settle the affairs of the corporation. Under the name of trustees of such corporation, they may by suit or otherwise, collect and pay the outstanding debts, and divide among the stockholders the moneys and other properties that shall remain, after payment of the debts and necessary expenses. And they shall be jointly and severally liable to the creditors and to the stockholders to the extent of the corporation property which shall come into their hands.

SECTION 16. Every corporation not eleemosynary, religious, literary, or educational, shall annually present a full and accurate exhibit of the state of its affairs to the Minister of the Interior, at such times as the Minister shall direct. The said Minister shall have power, either himself or by one or more commissioners appointed by him, to call for the production of the books and papers of the corporation, and to examine its officers, members and others touching its affairs under oath. The annual reports above mentioned, and the results of such examination, the Minister may in his discretion lay before the King in privy council, and also publish. In case any such corporation shall refuse to produce its books and papers upon the request of the Minister of the Interior or the commissioners appointed by him, or in case any of the officers or members of such corporation shall refuse to be examined on oath, touching the affairs of the corporation, then the Minister of the Interior or the commissioners may apply to the court of chancery for an order to compel the production of the books and papers, or the examination of such officers or members of the corporation, obedience to which order may be enforced by said court in like manner with its ordinary decrees and orders.

SECTION 17. The Minister of the Interior shall have power, subject to the provisions and conditions of this Act, in his discretion, by and with the advice and consent of the King in privy council, to grant charters of incorporation for agricultural, commercial and manufacturing purposes, as well as to charter other incorporations either aggregate or sole, ecclesiastical or lay; banking and municipal corporations alone excepted, which shall be chartered only by the legislature.

SECTION 18. The Minister of the Interior with the consent of the King in privy council, shall also have power on the expiration of any charter, to renew the same, on application to him for that purpose by two-thirds of the stockholders of such company, and a satisfactory explanation to him of the state of its affairs.

SECTION 19. Nothing in this Act contained shall be construed to authorize the Minister of the Interior as before provided, without the authority of the legislature to grant any charter which shall in terms



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RELATING TO CORPORATIONS.

institute a monopoly for a longer term than five years, of any business or occupation; nor may he grant perpetual charters without such authority to any corporations except to those for eleemosynary, literary, educational, or ecclesiastical purposes.

SECTION 20. Application to the Minister of the Interior for any charter of incorporation shall be made by written petition accompanied by proofs that three-fourths of the shares have been subscribed for; and in the case of joint stock companies, there shall in addition to such petition be also filed at the same time in the office of the Minister, a certificate, setting forth a location of the proposed company; the object of the incorporation; the amount of stock proposed, and, if the privilege of subsequent extension of the capital stock is asked for, the limit of that extension; the proposed duration of the company; the time within which it is to organize; whether the liability of the stockholders is proposed to be limited to the amount of their stock or otherwise; and also whether the whole or any part of the capital stock is to be paid in before commencing operations, and if part, what part.

SECTION 21. This Act shall take effect from the day of its passage, and Section second of General Provisions, of Part first of volume first of the Statute Laws, relating to charters of incorporation, and all other laws and parts of laws in conflict with this, shall be, and hereby are repealed.

Approved this 17th day of April, A. D. 1856.

KAMEHAMEHA.

KAHUMANU.

